IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 19352 of 2007(D)

PETITIONER:

A.M.CHACKOCHAN, AGED 44 YEARS,
S/O.MATHAI, PUTHUSSERIL HOUSE,
AIKKARAKONAM P.O., PUNALUR.

BY ADV. SRI.JOY GEORGE
SMT.PRAICY JOSEPH

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS
THE DISTRICT COLLECTOR, KOLLAM.

2. THE TAHSILDAR,
TALUK OFFICE, PUNALUR.

3. THE VILLAGE OFFICER,
VALAKODU VILLAGE, VALAKODU, PUNALUR.

4. THE SUB INSPECTOR OF POLICE,
PUNALUR POLICE STATION.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.19352 of 2007

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Dated this the 4th day of July, 2007

J U D G M E N T

Petitioner's vehicle bearing registration No.KL 02-W7664 was seized by respondents 2 and 3 alleging that the said vehicle was transporting soil to fill a paddy field in violation of the provisions of the Kerala Land Utilization Order. The petitioner submits that there is no paddy field anywhere near the place from where the petitioner's vehicle was seized and he had used the vehicle only for filling up a land for construction of a multi-storied building. The petitioner, therefore, seeks release of the vehicle.

2. The learned Government Pleader, on instructions, submits that the vehicle was used for illegal purposes in violation of the Kerala Land Utilization Order and that was why the same was seized.

3. I have heard the learned counsel for the

petitioner as also the learned Government Pleader.

4. The learned Government Pleader could not satisfy me that as to what possible further proceedings the respondents had power to take pursuant to the said seizure. The Kerala Land Utilization Order does not give any power to respondents 2 and 3 to seize vehicles used for activities in violation of the Kerala Land Utilization Order. In the above circumstances, I am not satisfied that the seizure was proper. Accordingly, I direct respondents 2 to 4 to release the vehicle. However, this would not prejudice the right of respondents 2 and 3 to take any other proceedings under the Kerala Land Utilization Order against the petitioner for violation of the provisions of the said order. The vehicle shall be released immediately on production of a certified copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.